**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**SPECIAL CIVIL APPLICATION NO. 12794 OF 1994**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE R.S.GARG**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge ?

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**VAPI INDUSTRIES ASSOCIATION & ANR. - Petitioner(s)**
**Versus**
**THE GUJARAT INDUSTRIAL DEVELOPMENT CORPORATION & ANR. - Respondent(s)**

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**Appearance :**
Shri Saurabh Mehta for Shri S.I. NANAVATI for Petitioner(s) : 1 - 2.
Shri Mitul K. Shelat for Respondent(s) : 1 - 2.

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**CORAM : HONOURABLE MR.JUSTICE R.S.GARG**

**Date : 22/02/2007**

**ORAL JUDGMENT**

The short facts necessary for disposal of the present petition

are that in the years 1970, 1971 and 1972, respondent No.1 started establishing and developing Vapi Industrial Estate in the district of Valsad and prepared necessary development plans wherein certain plots were earmarked for different purposes and particular plots were reserved for green space. In between 1986 to 1992, respondent No.1 converted some of such reserved plots for green space into commercial/industrial purpose, which, according to the petitioners, led to environmental imbalance, disturbance and hazard causing serious threats to the public at large. The petitioners, apprehending that respondent No.1 was to convert some more plots and was bent upon allotting the plots for different purposes, came to this Court and prayed for certain reliefs. The basic reliefs claimed are that the respondents be restrained from taking any step to convert the plots of land reserved as green space for public purposes in Vapi industrial area to any other use such as commercial or industrial or so. In paragraph 8 of the Writ Application, the petitioners have shown certain instances to convince the Court that the land reserved for particular purpose, specially, for green space, was converted and allotted in favour of various persons for different purposes.

2. According to Shri Mehta, learned Counsel for the petitioners, if the respondents are not restrained, they may make further allotments, which would run contrary to the development plan.

3. Shri Shelat, learned Counsel for the respondents, submits that since after filing of the petition, the plot in question has not been converted to any other use, then, the earmarked use and the respondents are ready and willing to hear the objections of the petitioners, if they have any, against conversion of the plots from green space or specifically reserved place to any other use. This satisfies the learned Counsel for the petitioners.

4. The petition is disposed of with a direction that in future, if the respondents propose to convert the land use of any plot, then, they would be obliged to invite objections from the common public and if any objection is received, then, an opportunity of hearing shall be given to such an objector and after hearing the parties, the objection shall be disposed of by the respondents by a speaking order. Rule is made absolute to the aforesaid extent. Interim relief, if any, is vacated. No costs.

***[R.S.Garg, J.]***

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